

REMARKS

Claims 8-15 and 17 are rejected under 35 U.S.C. §112 as indefinite. Claim 10 is rejected as referring to third and fourth lines of weakness, without having claimed a second line of weakness. Claim 10 depends, indirectly, from Claim 1 which does recite a line of weakness. Inasmuch as the second line of weakness is not previously claimed, the Examiner's point is correct. Appropriate correction has been made.

Claim 15 is rejected for not having recited antecedent basis for the garment and undergarment, neither of which form part of the claimed invention. Both words recite the environment in which the invention is used. While the rejection merely elevates form over substance, the claim has been amended to recite the essential elements of Claim 15 without reference to the external environment.

Claims 8 and 17 are rejected as referring to second and third discontinuous lines, while "a first 'discontinuous' line has not been claimed." The Examiner's attention is respectfully directed to Claim 1, line 9 and Claim 16, line 6, from which Claims 8 and 17 respectively depend. The respective first discontinuous lines of weakness are recited therein.

Although not noted by the Office Actions, amended Claim 17 improperly depended from itself. Appropriate correction has been made.

The drawings are objected to as not showing the features of Claims 9 and 17, i.e., V-shaped lines of weakness radiating outwardly from the longitudinal centerline and strips of adhesive radiating outwardly from the longitudinal centerline. Regarding Claim 9, the Examiner's attention is respectfully directed to Figure 6.

The Office Action also objects to "claims 12-14 now too i.e. no flaps shown, from which claim 15 depends [sic]." The Examiner's attention is respectfully directed to the Specification, which incorporates by reference commonly assigned U.S. Patents 4,950,264 and 4,589,876. Sanitary napkins with flaps are shown in each of these patents. Accordingly, it is not necessary for one skilled in the art to have a separate drawing showing the flaps.

Regarding Claim 16, the Examiner's attention is respectfully directed to the specification which incorporates by reference commonly assigned International Application PCT/US92/06054, and U.S. Patent Application Serial No. 07/915,134 filed July 23, 1992. The claimed adhesive pattern is disclosed in these applications. Accordingly, it is not necessary for one skilled in the art to have a separate drawing showing this adhesive pattern. <sup>1</sup>

Claims 1 and 3-19 are rejected under 35 U.S.C. over Buell '959 in view of Glassman and other references. The only motivation the Office Action provides for making such a combination is "such a feature would enhance the mimicking of the configurations of the deformation element by the core, i.e., controlled bunching, and the desirability of such on the Buell device."

Nowhere does Glassman or Sneller state discrete sites "would enhance the mimicking of the configurations of the deformation element by the core." In fact, neither Sneller nor Glassman have deformation elements. Nor do Sneller or Glassman address deformation elements nor how discrete sites

---

<sup>1</sup>Applicants respectfully note that if one skilled in the art would not understand how to make these features without the aid of drawings, this points to the general level of ordinary skill in the art and illustrates how the invention is unobvious thereover.

"enhance the mimicking" of anything - much less how they could be arranged in the manner claimed by Applicants to provide such mimicking.

The only teaching of the beneficial effects of using discrete lines of weakness is found in Applicants' own specification (9:30-40). The Office Action impermissibly seeks to impute the teachings of Applicants' specification to the prior art and then claim this is motivation for making the improper combination.

Proceeding from the improper combination, the Examiner repeats the unsupported assertion that Glassman (which recites "channels and/or deep spot-depressions") somehow teaches these to be interchangeable. Upon closer examination of Glassman, one skilled in the art would realize that while Glassman, in fact, teaches both, Glassman does *not* teach making lines of weakness out of the spot-depressions - as required by the claimed invention. The Glassman spot-depressions are applied in a pattern that simply does not form a line of weakness. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of Claims 1 and 4-19 - all of which are based upon Glassman.

Regarding Claim 18, Glassman (Figs. 1-4 and 8-9) neither shows discrete sites bilaterally staggered, nor provides the recognition "that such would provide more softness than non-staggered continuous [sic] sites." Such recognition<sup>2</sup> is only found in Applicants' own specification (10:35-37). The rejection of Claim 18 should be withdrawn.

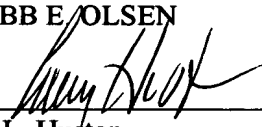
Claim 3 is said to be rejected by the present Office Action. However, Claim 3 has been previously canceled and should be withdrawn from the Examiner's consideration.

#### SUMMARY

Claims 10, 11, 15, and 17 are amended hereunder to overcome the rejections under 35 U.S.C. §112. The Office Action impermissibly imputes teachings to Glassman - which it does not contain. Particularly, Glassman does not teach spot-depressions and lines of weakness to be interchangeable. The Examiner is respectfully requested to reconsider and allow Claims 1 and 4-19 which remain in the application.

Respectfully submitted,

FOR: LETHA M. HINES  
ROBB E. OLSEN

By   
Larry L. Huston  
Attorney for Applicants  
Registration No. 32,994  
(513) 634-2964

DECEMBER 8, 1994  
Cincinnati, Ohio  
RESP3.DOC

<sup>2</sup>Or "criticality" as it is referred to in the Office Action.